



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

**IN THE MATTER OF:**

<b>DONALD R. BUTEAU</b>	)	<b>ADMINISTRATIVE CONSENT</b>
<b>BRENDA L. BUTEAU</b>	)	<b>AGREEMENT</b>
<b>AUBURN, ANDROSCOGGIN, MAINE</b>	)	<b>(38 M.R.S.A. § 347-A)</b>
<b>NRPA</b>	)	
<b>2008-155-L</b>	)	

This Agreement by and among Donald R. Buteau, Brenda L. Buteau, the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General is entered into pursuant to the laws concerning the Department's *Organization and Powers*, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

- 1) Donald R. Buteau and Brenda L. Buteau, 35 Parfour Drive, Auburn, Maine, own a parcel of land on Cape Monday Road in Harrison, Maine as described and recorded in Book 12006 on Page 120 of the Cumberland County Registry of Deeds.
- 2) The property described in Paragraph 1 of this Agreement abuts Long Lake which is a great pond as defined by the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-B(5).
- 3) On September 18, 2008, an inspection of the property described in Paragraph 1 of this Agreement by Department staff revealed that soil was disturbed and a gazebo, patio area and walls were being constructed within 75 feet of the normal high water line of Long Lake. It was also observed that rock fill had been placed adjacent to and in Long Lake. Neither Donald R. Buteau nor Brenda L. Buteau first obtained a permit from the Department for these activities. At the time of inspection, erosion controls were in place and sedimentation to the lake was not visible.
- 4) The activities described in Paragraph 3 of this Agreement constitute the following violations:
  - A) By performing or causing to be performed construction of a permanent structure adjacent to a great pond without first obtaining a permit from the Department, Donald R. Buteau and Brenda L. Buteau violated the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C.
  - B) By filling, or causing filling, and disturbing, or causing disturbance of, soil adjacent to a great pond without first obtaining a permit from the Department, Donald R. Buteau and Brenda L. Buteau violated the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C.

AUGUSTA  
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AUGUSTA, MAINE 04333-0017  
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106 HOGAN ROAD  
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312 CANCO ROAD  
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PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
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IN THE MATTER OF:

DONALD R. BUTEAU

BRENDA L. BUTEAU

AUBURN, ANDROSCOGGIN, MAINE

NRPA

2008-155-L

) ADMINISTRATIVE CONSENT  
) AGREEMENT  
) (38 M.R.S.A. § 347-A)

- C) By filling or causing to be filled a great pond without first obtaining a permit from the Department, Donald R. Buteau and Brenda L. Buteau violated the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C.
- 5) On September 23, 2008, the Department issued a Notice of Violation to Donald R. Buteau and Brenda L. Buteau regarding the violations described in Paragraphs 3 and 4 of this Agreement in accordance with 38 M.R.S.A. § 347-A(1)(B).
- 6) The Department has regulatory authority over the activities described herein.
- 7) Pursuant to 38 M.R.S.A. §§ 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection (the "Board") which is part of the Department.
- 8) This Agreement shall become effective only if it is approved by the Board and the Office of the Attorney General.
- 9) To resolve the violations referred to in Paragraphs 3 and 4 of this Agreement, Donald R. Buteau and Brenda L. Buteau agree to:
- A) No later than August 21, 2009, submit an acceptable after-the-fact individual Natural Resources Protection Act permit application, acceptable for processing, for the wall along the lake shore, the gazebo and all other alterations to the residential structure, the wall replacement adjacent to the residential structure and all soil disturbance and filling activities within 75 feet of Long Lake.

If the after-the-fact application is approved by the Department, immediately comply with all terms and conditions of the after-the-fact permit; or

If the after-the-fact permit is wholly or in part denied, returned, withdrawn, or not submitted, within 30 days of denial, return, withdrawal, or the submission deadline, submit a final restoration plan to the Department to restore all unpermissible activities to their previously existing condition. The final restoration plan is subject to review and approval by Department staff and must include a specific time schedule for the completion of all phases of the restoration. Implement the approved plan in accordance with the schedule contained therein.

- B) No later than August 15, 2009, remove any remaining rocks and stone placed adjacent to Long Lake to the Department's satisfaction and complete the Revised Planting Plan for the Buteau property in Harrison, Maine dated June 22 and June 23, 2009 to the Department's satisfaction. Upon completing the restoration, install and maintain erosion controls until permitted work, or final restoration, is completed.

## IN THE MATTER OF:

DONALD R. BUTEAU

BRENDA L. BUTEAU

AUBURN, ANDROSCOGGIN, MAINE

NRPA

2008-155-L

) ADMINISTRATIVE CONSENT  
) AGREEMENT  
) (38 M.R.S.A. § 347-A)

- C) Pay to the Treasurer, State of Maine, upon demand by the Department, the sum of one hundred dollars (\$100.00) per day per violation for the violation of any provision of this Agreement.
- D) Pay the Treasurer, State of Maine, upon signing this Agreement, the sum of two thousand five hundred thirty-four dollars (\$2,534.00) as a civil monetary penalty.
- 10) The Department and the Office of the Attorney General grant a release of their causes of action against Donald R. Buteau and Brenda L. Buteau for the specific violations listed in Paragraphs 3 and 4 of this Agreement on the express condition that all actions listed in Paragraph 9 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied.

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of three (3) pages.

DONALD R. BUTEAU

BY: 

DONALD R. BUTEAU

DATE: 8/24/09

BRENDA L. BUTEAU

BY: 

BRENDA L. BUTEAU

DATE: 8/24/09

BOARD OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_

SUSAN M. LESSARD, CHAIR

DATE: \_\_\_\_\_

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: \_\_\_\_\_

MARGARET A. BENSINGER, ASSISTANT ATTORNEY GENERAL

DATE: \_\_\_\_\_

